

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MERETTA M. GERALD

PLAINTIFF

vs.

Civil Action No. 3:03-cv-1177WS

RAYTHEON SYSTEMS, INC.

DEFENDANTS

JUDGMENT OF DISMISSAL

Before the court is the defendant's motion for summary judgment [**Docket No. 29-1**]. This court directed that an initial Pretrial Conference be held on February 2, 2005. The plaintiff, who is proceeding *pro se* failed to appear at hearing. This court directed the defendant to submit a Motion for Summary Judgment with a supporting memorandum of authorities within two weeks and to serve the same upon the plaintiff. The plaintiff has not responded to the motion and has made no other contact with the court seeking additional time or announcing that counsel has been retained. The time for doing these things now has passed.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5 th Cir.1998). "This authority flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985), citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962).

The plaintiff has failed to comply with this court's Order to appear for the initial

pretrial conference, has filed no affidavit seeking to proceed *pro se*, and has made no response whatsoever to the defendant's motion for summary judgment. Accordingly, the complaint is hereby dismissed for want of prosecution and all pending motions are terminated as moot.

SO ORDERED, this the 7th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

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Judgment of Dismissal